

IN THE JUVENILE COURT FOR WILLIAMSON COUNTY, TENNESSEE
2009 MAR -5 PM 3:09 AT FRANKLIN

IN THE MATTER OF:

Ella Dian Hughes,
date of birth 02/17/2004,
A Child Under Eighteen (18) Years of Age) **Social File No. 241361**
) **Legal File No. 28150**
) **Docket No. 61354**
) **NOTICE OF ENTRY REQUESTED**

ORDER

This cause came to be heard on the 27th day of February, 2009 before the Honorable Joshua Lee Rogers, Referee for the Williamson County Juvenile Court, on the Petition to Establish Paternity and to Set Child Support and the Motion to Compel filed by Petitioner, Holly Dian Merkh Hughes (hereinafter "Ms. Hughes"), through her counsel, Lori Thomas Reid, and the Affirmative Defenses and Answer to Petition to Establish Paternity and to Set Child Support, the Response to Motion to Compel filed by Respondent, Harris Claiborne Frazier (hereinafter "Mr. Frazier"), through counsel, Lance B. Mayes, and the Motion to Withdraw filed by Mr. Mayes. Ms. Hughes appeared with counsel. Counsel for Mr. Frazier appeared on his Motion to Withdraw only. Mr. Frazier did not appear. After hearing the testimony of Ms. Hughes and arguments of counsel, the Court made the following findings:

1. Lance B. Mayes shall be allowed to withdraw as counsel for Mr. Frazier.

Exhibit "A"

2. The Motion to Compel is granted based on the Court's previous order allowing Mr. Frazier additional time to produce the discovery responses, and his failure to produce them by February 25, 2009.

3. Based on the admission of Mr. Frazier in his Answer filed on February 20, 2009, Mr. Frazier is found to be the legal and biological father of Ella Dian Hughes, date of birth February 17, 2004, for all legal purposes, including that of inheritance, and the relationship of parent-child shall be established as if the child had been born in lawful wedlock.

4. Mr. Frazier shall pay current child support in the amount of \$1,780.00 per month beginning March 6, 2009 and on the first day of each month thereafter. The Court found, based on Mr. Frazier's standard of living and earning capacity, he has the ability to earn \$150,000.00 per year (\$12,500.00 per month). The Court found Ms. Hughes' choice to stay at home with her children is reasonable under the circumstances due to the expense of child care for the children. The Court imputed Ms. Hughes' income at minimum wage or \$1,135.33 per month. See Child Support Worksheet attached hereto as **Exhibit A**.

5. Ms. Hughes shall provide health insurance for the minor child, and the child support worksheet shall reflect a credit for \$284.88 per month. Mr. Frazier and Ms. Hughes shall each pay their pro-rata share of all medical bills not covered by insurance beginning March 1, 2009 (93% for Mr. Frazier and 7% for Ms. Hughes). Ms. Hughes shall send the bills to Mr. Frazier within ten (10) days of her receipt of the bill

after insurance has paid its portion. Mr. Frazier shall pay his portion to Ms. Hughes within thirty (30) days of receipt of the bill.

6. Mr. Frazier did not appear to assert any defenses or present any proof as to any child support related issues. Further, Exhibit One which was admitted into evidence without objection indicated that Mr. Frazier's ex-wife filed a Petition for Contempt against Mr. Frazier regarding child support in the divorce case in Mississippi. (Amy Atwood Frazier vs. Harris Claiborne Frazier, Civil Action, File No. 2007-802 in the Chancery Court of Madison County, Mississippi). Therefore, the Court is not allowing any credits for child support paid to other children.

7. A judgment shall be entered against Mr. Frazier in the amount of \$106,800 (sixty (60) months at \$1,780 per month) back to the child's date of birth of February 17, 2004, plus statutory interest, for retroactive child support, for which execution may issue, if necessary. Mr. Frazier shall pay an additional \$220.00 per month toward the retroactive judgment until paid in full, for a total payment of \$2,000.00 per month, beginning March 6, 2009.

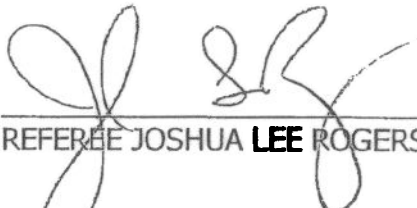
8. A judgment shall be entered against Mr. Frazier in the amount of \$3,900.06 for medical bills and birthing expenses, for which execution may issue, if necessary.

9. A judgment shall be entered against Mr. Frazier in the amount of \$9,000.00 for attorney's fees, for which execution may issue, if necessary.

10. The birth certificate of said minor child shall be amended to reflect Mr. Frazier is the father of Ella Dian Hughes. Mr. Frazier's date of birth is August 22, 1972, and his place of birth is Jackson, Mississippi.


It is so **ORDERED**.

ENTERED this 4th day of March, 2009.



REFEREE JOSHUA LEE ROGERS

APPROVED FOR ENTRY:



Lori Thomas Reid, #12462
PURYEAR, NEWMAN & MORTON, PLLC
Post Office Box 40
Franklin, Tennessee 37065
(615) 790-2444
Attorney for Petitioner, Holly Dian Merkh Hughes

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document was forwarded via first class U.S. Mail, postage prepaid, to the following party:

Harris Claiborne Frazier
79 Grandview Circle
Brandon, Mississippi 39047

on the 3rd day of March, 2009.

I CERTIFY THAT THIS IS A TRUE AND
CORRECT COPY OF AN ORDER ENTERED IN
THE MINUTES OF THE JUVENILE COURT OF
WILLIAMSON COUNTY, TENNESSEE.



JUDY WEBSTER Clerk (D.C.)



Lori Thomas Reid

CLERK'S CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document was forwarded via first class U.S. Mail, postage prepaid, to the following parties:

Lori Thomas Reid, Esq.
PURYEAR, NEWMAN & MORTON, PLLC
Post Office Box 40
Franklin, Tennessee 37065

Harris Claiborne Frazier
79 Grandview Circle
Brandon, Mississippi 39047

on the 5th day of March, 2009.

Judy Webster, D.C.
Juvenile Court Clerk

Effective as of 7/22/2006

State of Tennessee - Department of Human Services
Child Support Worksheet

3/2/2006 - 1:28 PM

Part I. Identification

Indicate the status of each parent or caretaker by placing an "X" in the appropriate column

Name of Mother:
Name of Father:
Name of non-parent Caretaker:
TCSES case #:
Docket #:
Court name:

Holly Hughes
Harris Claiborne Frazier

28150
Williamson County Juvenile Court

PRP ARP SPLIT

X		
	X	

Name(s) of Child(ren)	Date of Birth	Days with Mother	Days with Father	Days with Caretaker
Ella Dian Hughes	2/17/2004	365	0	

Part II. Adjusted Gross Income

Use Credit Worksheet to calculate line items 1d - 1e

- 1 Monthly Gross Income
 - 1a Federal benefit for child
 - 1b Self-employment tax paid
 - 1c Subtotal
 - 1d Credit for in-home children
 - 1e Credit for not-in-home children
- 2 Adjusted Gross Income (AGI)
- 2a Combined Adjusted Gross Income
- 3 Percentage Share of Income (PI)

Mother \ Column A	Father \ Column B	Nonparent Caretaker \ Column C
\$ 1,135.33	\$ 12,500.00	
1,135.33	12,500.00	
- 192.00	- 0.00	
- 0.00	- 0.00	
\$ 943.33	\$ 12,500.00	
\$13,443.33		
7%	93%	

Part III. Parents' Share of BCSO

- 4 BCSO allotted to primary parent's household
- 4a Share of BCSO owed to primary parent
- 5 Each parent's average parenting time
- 6 Parenting time adjustment
- 7 Adjusted BCSO

\$ 1370.00	\$ 0.00	\$ 0.00
\$ 0.00	\$ 1274.10	
N/A	0	
\$ N/A	\$ 240.86	
\$ 0.00	\$ 1,514.96	



Effective as of 7/22/2008

State of Tennessee - Department of Human Services
Child Support Worksheet

3/2/2009 - 1:26 PM

Part IV. Additional Expenses

8a Children's portion of health insurance premium

8b Recurring uninsured medical expenses

8c Work-related childcare

9 Total additional expenses

10 Share of additional expenses owed

11 Adjusted Support Obligation (ASO)

Mother \ Column A	Father \ Column B	Nonparent Caretaker \ Column C
\$ 284.88	\$	\$
\$	\$	\$
\$	\$	\$
\$ 284.88	\$ 0.00	\$ 0.00
\$ 0.00	\$ 264.94	
\$ 0.00	\$ 1,779.90	

Part V. Presumptive Child Support Order

12 Presumptive Child Support Order (PCSO)

* Enter the difference between the greater and smaller numbers from Line 11 except in non-parent caretaker situations

Low income?

(N=15% Y=7.5%)

Current Order Flat %?

(N / Y)

Modification of Current
Child Support Order

13a Current child support order amount for the obligor parent

13b Amount required for significant variance to exist

13c Actual variance between current and presumptive child support
orders

OBLIGATION		
\$ 0.00	\$ 1,780.00	
\$ 0.00	\$ 0.00	
\$ 0.00	\$ 0.00	

Part VI. Deviations and FCSO

14

Deviations must be
substantiated by
written findings in the
Child Support Order

15 Final Child Support Order (PCSO)

16 PCSO adjusted for Federal benefit, Line 1a, Obligor's column

\$ 0.00	\$ 1,780.00	
\$ 0.00	\$ 1,780.00	

Comments,
Calculations, or
Rebuttals to Schedule**Preparer's Use Only**

Name:

Don Thomas Reid

Date: 3/2/2009

Title:

Attorney for Mother

Effective as of 7/22/2008

State of Tennessee - Department of Human Services
Credit Worksheet

3/2/2009 1:28 PM

Part I. Identification

Indicate the status of each parent or caretaker by placing an "X" in the appropriate column

	PRP	ARP	SPLIT
Name of Mother: Holly Hughes	X		
Name of Father: Harris Claiborne Frazier		X	
Name of non-parent Caretaker:			
TCSES case #:			
Docket #:			
Court name: Williamson County Juvenile Court			

Part II. Other Children

☒ If a parent is claiming more than five children on line 3 or line 7, use the Additional Credit sheet to list information for each child.

Mother	Father
--------	--------

Parent Income Information

1 Applicable gross income from CS worksheet

\$ 1,135.33	\$ 12,500.00
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In-Home Children

2 Below, list qualified children living in the parent's home (if none, skip to line 6):

Name(s) of Child(ren) for Mother	Date of Birth	Name(s) of Child(ren) for Father	Date of Birth
Faith Margaret Merkle	1/18/2006		

3 Number of qualified children living in the parent's home

#	1	#	0
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4 Theoretical child support order (this parent's income on CS Schedule for number of children from line 3)

\$	256.00	\$	0.00
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5 75% of theoretical child support order from line 4

\$	192.00	\$	0.00
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Not-In-Home Children

6 Below, list qualified children not living in the parent's home (if none, skip this Part):

		Wells Claiborne Frazier	9/26/2006
		Posey Lamar Frazier	9/10/2004

7 Number of qualified children not living in the parent's home

#	0	#	2
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8 Average documented monetary support over last 12 months

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9 Theoretical child support order (this parent's income on CS Schedule for number of children from line 7)

\$	0.00	\$	1,748.00
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10a 75% of theoretical child support order from line 9

\$	0.00	\$	1,311.00
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10b Allowable credit for not-in-home children

\$	0.00	\$	0.00
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IN THE CHANCERY COURT OF MADISON COUNTY, MISSISSIPPI

DEPARTMENT OF HUMAN SERVICES
STATE OF MISSISSIPPI

PLAINTIFF

VS.

CAUSE NO. 2008- 73 7

HARRIS C. FRAZIER

DEFENDANT

ORDER APPROVING REGISTRATION OF FOREIGN SUPPORT ORDER

WHEREAS the Plaintiff, Department of Human Services, registered a foreign support order in the above styled and numbered cause, the Court finds it has jurisdiction over the parties and the subject matter, and **FINDS, ORDERS AND ADJUDGES:**

1.

Holly Hughes is a recipient of Title IV-D Child Support Services and therefore the Plaintiff is authorized to bring this action.

2.

A foreign support order was registered in the above cause on the 4th day of MARCH, 200~~9~~ pursuant to the Uniform Interstate Family Support Act, Miss. Code Ann. Sections 93-25-1 et seq. (1972 as amended), whereby the Respondent was ordered to pay child support in the amount of \$ 1780⁰⁰ per month. The Defendant was served with notice of this action and a hearing has been held on this matter. Therefore the foreign order registered in the above cause is the controlling order and is hereby registered and enforceable in the same manner as an order issued by a tribunal of this state.

3.

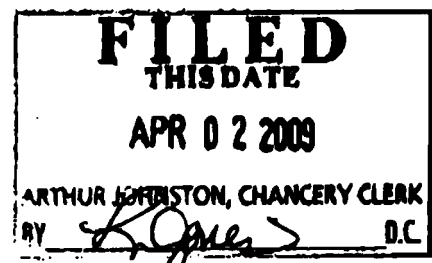
The Defendant is in arrears \$ 106,800.00 as of 4/2/09.

4.

The Court further grants the following relief:

- A) The foreign support order registered herein is the controlling order and is hereby registered and enforceable on the 2nd day of April, 200~~9~~²⁰⁰⁹.
- B) The Plaintiff is awarded a Judgment against the Defendant for the arrearage in the amount of \$ 106,800.00 as of 4/2/09.

Exhibit "B"



- C) The Court shall enter a separate Order for Withholding against the Defendant which shall and hereby is ordered to take effect immediately. The Defendant shall keep the Department of Human Services informed of the name and address of his current employer or any new or additional employer and shall provide the information within five (5) days of employment.
- D) All payments are ordered to be made to the Mississippi Department of Human Services in care of the Central Receipting and Disbursement Unit (CRDU), Post Office Box 4301, Jackson, MS 39296-4301.


5.


Execution and appropriate process shall issue for the collection of all amounts and accomplishment of all things ordered herein.

SO ORDERED AND ADJUGED, this the 2nd day of April, 2008.


CHANCELLOR

PRESENTED TO THE COURT BY:


JAMES C. WALKER, Attorney
Department of Human Services
Post Office Box
Canton, MS
Tel: (601) 859-4813
Bar No.


ROB CURTIS, Attorney
for James Harris Francis
P. O. Box 4169
Jackson, MS 39296-4169
Tel. 601-991-0511